

REMARKS

The foregoing amendment is submitted to emphasize preferred features of the stain removing complex which forms a key part of the stain removing compositions of the present invention. Claim 41 provides that the stain removing complex is added to the chewing gum composition in a dry state as disclosed on page 17, lines 17-18. Claim 42 provides that the stain removing complex comprises the stain removing agent within the cavity of the cyclodextrin compound as disclosed on page 17, lines 1-6.

Claim 43 has been added to claim a subclass of surfactants as disclosed at page 6, lines 12-13. Entry of the amendment to the claims is therefore deemed proper and is respectfully requested.

The present claims are directed to a stain removing chewing gum composition which comprises a gum base and a stain removing complex. The complex contains a stain removing agent and a cyclodextrin compound. The cyclodextrin compound significantly enhances the release and bioavailability of the stain removing agent because the cyclodextrin compounds are capable of solubilizing the stain removing agents to form a water soluble complex. Thus, the present invention is not directed to a stain removing chewing gum composition that randomly contains a stain removing agent and a cyclodextrin compound but rather a complex in which the stain

removing agent is typically within a cavity of the cyclodextrin compound (see new claim 42).

The preparation of the stain removing complex is shown, for example, on page 17. Cyclodextrin compound is dissolved in a solvent, preferably a polar solvent such as water. The stain removing agent is added to the cyclodextrin solution. Thereafter the solvent is removed by evaporation or filtration. As a result, the stain removing agent moves within the apolar cavity of the cyclodextrin molecule replacing the water. Of particular importance to the claimed invention, is the formation of a separate and distinct complex of the stain removing agent and cyclodextrin.

Claim 23 stands rejected under 35 U.S.C. Section 112 being indefinite because it is unclear what steps are intended. The rejection is hereby traversed and reconsideration is respectfully requested.

Claim 23 is directed to a method of producing the stain removing chewing gum composition in which the stain removing complex is added as one of the last steps in forming the chewing gum composition. As indicated in the paragraph beginning on page 21, line 18, the stain removing agent may be added during the manufacture of the chewing gum composition with the sweeteners, flavorants and similar compounds which are typically added at the end of the process. Thus, one of ordinary skill in the art would understand those ingredients which are necessary to produce a chewing gum composition including gum base (see page 22), as well as

other ingredients which are disclosed beginning on page 24, line 8. One skilled in the art would know that the various other ingredients are added to molten gum base in each case to form a homogeneous mixture. Therefore, it is certainly within the knowledge of the skilled artisan to add the stain removing complex as one of the last steps in preparing the chewing gum composition. The skilled artisan would readily understand the meaning of claim 23 and could readily prepare a chewing gum composition incorporating the method of claim 23.

Essentially all of the claims of the present application have been rejected as obvious over Lawlor (U.S. Patent No. 6,730,291) alone or in combination with Holme (U.S. Patent No. 6,685,916) or Luo (U.S. Patent No. 6,696,044). Lawlor is stated to disclose a chewing gum composition including malodor control absorbing agents such as cyclodextrin and softeners such as sodium stearate. The Office Action concludes that it would have been obvious to select any of the malodor control agents and any of the softeners disclosed in Lawlor to arrive at the claimed invention. The rejection is hereby traversed and reconsideration is respectfully requested.

As previously indicated, the discovery of the present invention is the incorporation of a stain removing complex comprised of a stain removing agent and a cyclodextrin compound. The specification describes in detail the nature of the complex and how it is formed. Lawlor discloses the use of softeners or a mixture of softeners including sodium stearate and potassium stearate, the preferred stain

removing agents of the present invention. However, at column 15, beginning at line 18, these softening agents are incorporated into the gum base. Incorporation of Applicants' stain removing agents (e.g. sodium stearate and sodium palmitate) into the gum base effectively eliminates their use as stain removing agents. Thus, softeners as disclosed by Lawlor are used to "soften" the texture of gum base and are therefore incorporated purposefully into the gum base. To the contrary, Applicants seek to keep such materials away from the gum base and as a result they can provide a stain removing effect.

Because the softening agents are incorporated in the gum base, they are clearly not available for forming a complex with a cyclodextrin compound. Indeed, there is no teaching or suggestion in Lawlor or any of the secondary references of forming a complex of cyclodextrin with a stain removing agent. Not only does Lawlor not teach forming a complex, the reference clearly teaches against doing this by incorporating the softener (e.g. sodium stearate) into the gum base where it cannot form a complex with any cyclodextrin compound that may be added.

It is therefore submitted that Lawlor alone or in combination with Holme and/or Luo (each disclosing stain removing agents employed in the present invention) does not render the claimed invention obvious to one of ordinary skill in the art.

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It is therefore respectfully submitted that the present claims are in condition for allowance and early passage to issue is therefore deemed proper and is respectfully requested.

It is believed that no fee is due in connection with this matter. However, if any fee is due, it should be charged to Deposit Account No. 23-0510.

Respectfully submitted,



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